Commission for Public Complaints Against the Royal Canadian Mounted Police

Commission des plaintes du public contre la Gendarmerie royale du Canada

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COMMISSION FOR PUBLIC COMPLAINTS AGAINST THE RCMP

2011-2012

ANNUAL REPORT

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Canada

WHO WE ARE AND WHAT WE DO

The Commission for Public Complaints Against the RCMP (CPC) is an independent body established in 1988 to receive and review complaints about the conduct of regular and civilian RCMP members in the performance of their policing duties. Its mission is to contribute to excellence in policing through civilian review.

The CPC ensures that complaints about the conduct of RCMP members are examined fairly and impartially. Its findings and recommendations help identify, correct and prevent the recurrence of policing problems caused by the conduct of specific RCMP members or by flaws in RCMP policies or practices.

VISION: Excellence in policing through accountability.

MISSION: To provide civilian review of RCMP members' conduct in performing their duties so as to hold the RCMP accountable to the public.

MANDATE: As set out in Part VII of the *Royal Canadian Mounted Police Act*, the mandate of the Commission is to:

- receive complaints from the public about the conduct of RCMP members;
- conduct reviews when complainants are not satisfied with the RCMP's handling of their complaints;
- hold hearings and carry out investigations; and
- report findings and make recommendations.

STRATEGIC OBJECTIVES

- Increase public awareness of the role and services of the CPC.
- Strengthen the complaint and review processes.
- Improve the relevance of review recommendations and identify continuing, emerging and new complaint trends.
- Support management excellence and maintain a workplace of choice.
- Provide advice on the creation of a new review mechanism for the RCMP.

HOW TO GET IN TOUCH WITH US

You can find the Commission for Public Complaints Against the RCMP on the Internet at www.cpc-cpp.gc.ca or www.complaintscommission.ca.
All documents cited in this report may also be found there.

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Minister of Public Works and Government Services
Cat. No.: PS75-2012E-PDF
ISSN: 1700-5361

The Honourable Vic Toews, P.C., Q.C., M.P.
Minister of Public Safety
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Minister,

Pursuant to section 45.34 of the *Royal Canadian Mounted Police Act*, I hereby submit the annual report of the Commission for Public Complaints Against the RCMP for the 2011-2012 reporting period for tabling in Parliament.

Yours very truly,

Ian McPhail, Q.C.
Interim Chair

June 2012

TABLE OF CONTENTS

CHAIR'S MESSAGE 2

CIVILIAN OVERSIGHT OF THE RCMP: MAJOR INITIATIVES 4

- 2010 G8 & G20 Summits 4
- Policing Issues in the North 4
- RCMP Conducted Energy Weapon Use 5
- Workplace Harassment 6

NOTABLE COMPLAINTS 7

- Completed Chair-Initiated Complaints & Public Interest Investigations 7
- Ongoing Investigations 9
- Additional Reviews & Further Investigations of Note 10

PUBLIC ACCOUNTABILITY 12

- Recently Implemented Recommendations 12
- Recommendations Awaiting Implementation 13
- Timeliness of Commissioner's Notices 14

IMPROVING THE COMPLAINT SYSTEM 15

- Tracking of Public Complaints 15

TARGETS AND PERFORMANCE FOR 2011-2012 16

- Public Complaint Process 16
- Complaint Trends 17
- Review Trends 18
- Service Standards 19

STAKEHOLDER ENGAGEMENT / PUBLIC EDUCATION 20

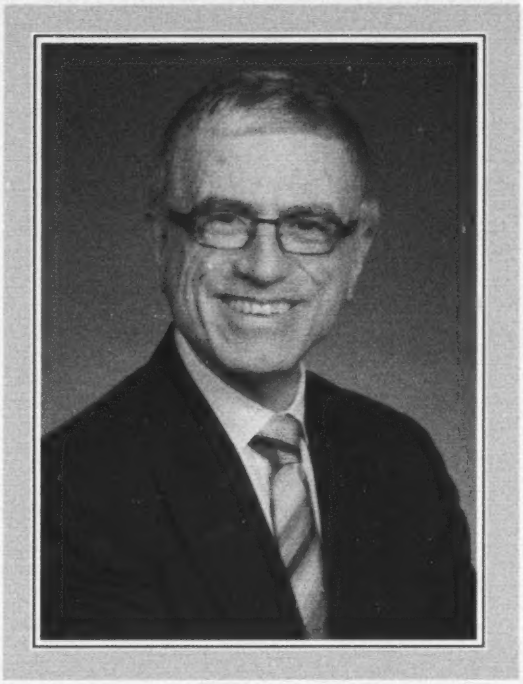
- Working With Provincial Partners 21

CHALLENGES AND OPPORTUNITIES 22

APPENDIX 1: FINANCIAL STATEMENT 23

APPENDIX 2:
THE COMPLAINTS & REVIEW PROCESS 24

CHAIR'S MESSAGE



Enhancing the accountability of the RCMP and public trust in policing

The Commission for Public Complaints Against the RCMP (CPC) continues to identify and address the policing issues of daily concern to Canadians. The Commission examines the conduct of RCMP members in relation to specific complaints and monitors wider trends and developments in RCMP policy and practices. Its objective is to provide recommendations that will enhance the accountability of the RCMP and contribute to the public's trust and confidence in it and its members.

Within the past year, the Commission issued Final Reports into the in-custody deaths of Raymond Silverfox in Whitehorse, Yukon, Robert Knipstrom in Chilliwack, British Columbia, and Clay Willey in Prince George, British Columbia. The Commission's findings in these reports were largely accepted by the RCMP, and many of its recommendations have already been implemented. For example, significant strides have been made in the Yukon to address the issue of acutely intoxicated persons and how the police respond to and care for these individuals. The Commission continues to monitor this sensitive area with the cooperation of the RCMP. The RCMP has also continued to monitor and strengthen its policies concerning use of force, an issue the Commission has addressed in a number of its recommendations in the current and previous years.

The Commission finalized its review of policing activities related to the 2010 G8/G20 Summits. Given the integrated nature of policing at this event and the volume of documentation originating from different police services, cooperation with the Ontario Office of the Independent Police Review Director was integral to the success of the Commission's review. Although the RCMP's direct interaction with the public was limited during the Summits, the Commission was able to review the planning and security activities leading up to and during the events, and respond to public concerns in that respect.[1]

1 The Commission released its public interest investigation into the actions of RCMP members at the 2010 G8/G20 Summits on May 14, 2012.

Continuing public and media scrutiny of the RCMP increases the importance of the Commission's role of providing unbiased, independent reviews and recommendations.

Following several high-profile claims by members of the RCMP and concerns expressed by the public and by the government, the Commission began an investigation in November 2011 into issues of workplace harassment in the RCMP. The Commission has since undertaken a review of all reported instances of harassment since February 2005. The Commission also invited submissions from RCMP members, employees and members of the public in respect of the issue, and continues to conduct interviews with interested stakeholders. The Commission's independent investigation aims to provide a credible, accurate depiction of the degree to which the RCMP adheres to its own policies, practices and guidelines in dealing with workplace harassment, and to provide concrete recommendations for improvement, if required.

Continuing public and media scrutiny of the RCMP increases the importance of the Commission's role of providing unbiased, independent reviews and recommendations. In order for the Commission to succeed in informing the public and enhancing police accountability, review must be comprehensive and timely. Although the Commission continues to express concern with respect to lengthy delays in RCMP responses to its reports, it expects that the commitment of the new RCMP Commissioner to issue such responses in a more timely fashion will address those delays and strengthen the integrity of the public complaint process and ultimately enhance public confidence in the RCMP.

New legislation and an enhanced mandate will increase the new RCMP review body's ability to examine systemic and policy issues, allow more rigorous and expansive access to documents, and recognize the importance of service standards in ensuring timely and effective review. The Commission continues to support the government's efforts to implement these legislative changes.

> "New legislation and an enhanced mandate will support the Commission's efforts in maintaining the confidence of Canadians in the RCMP."
>
> - Ian McPhail, Q.C.

CIVILIAN OVERSIGHT OF THE RCMP: MAJOR INITIATIVES

2010 G8 & G20 SUMMITS

The Commission continued work on its public interest investigation in response to a complaint lodged by the Canadian Civil Liberties Association in November 2010 into the conduct of RCMP members involved in providing security at the 2010 G8/G20 Summits in Huntsville and Toronto.

The Commission interviewed a total of 38 people and reviewed over 40,000 pages of documents and hours of RCMP video surveillance.

To supplement the investigation and in light of the integrated nature of the security operation, the Commission sought an independent legal opinion regarding the specific authorities and responsibilities vested in participating police agencies and their members throughout the Summits. The opinion also examines the impact of the *Public Works Protection Act* regulation on RCMP members, as well as the statute's interaction with the *Foreign Mission and International Organizations Act*.

The investigation focused on the planning and operations of Summit security, as this was the primary responsibility of the RCMP. The Commission's investigation concluded that RCMP members were not involved in high-profile incidents at Queens Park or The Esplanade in Toronto on June 26, 2010, nor were RCMP members involved in the arrests at the University of Toronto in the early hours of June 27, 2010. A number of RCMP Public Order Units were deployed in downtown Toronto during the G20 Summit, including at Queen Street and Spadina Avenue on June 27, 2010. The investigation revealed that the RCMP was not involved in any use of force incidents in either Huntsville or Toronto.

The Commission has, however, recommended a number of improvements to RCMP policy and practice in the areas of:

- the approvals of intelligence investigations;
- record keeping;
- integrated post-event debriefings; and
- the clarification of operational policies with policing partners.

The Commission also emphasizes the importance of document management and storage practices that would facilitate post-event review of major security initiatives like the G8/G20 Summits.

[NOTE: The Commission's report, complete with detailed findings and recommendations, was released in May 2012.]

POLICING ISSUES IN THE NORTH

Yukon Pilot Project

In April 2010, the Yukon government and the RCMP invited the Commission to participate in a "Review of Yukon's Police Force."

The Review was initiated in the wake of concerns regarding the manner in which some members of the Yukon RCMP were interacting with the people and communities they serve.

Following the Review, the Commission launched a pilot project aimed at enhancing knowledge of the Commission's activities in the territory. The pilot project commenced in July 2011 and Commission staff travelled regularly to the Yukon and met with various stakeholders, including community organizers, RCMP members as well

as various provincial and municipal government resources. A Yukon-specific guide to complaints and reviews was created and distributed to various organizations, as well as brochures outlining the Commission's activities. The Commission's efforts were well-received and relationships were fostered throughout the territory.

While challenges remain, the Commission has seen an increase in the number of enquiries referred to its complaint office since 2010. The Commission will continue to build upon its success to ensure greater public awareness of the oversight process.

RCMP CONDUCTED ENERGY WEAPON USE

Since the Commission began monitoring RCMP conducted energy weapon (CEW)[2] use four years ago, a trend towards decreased front-line usage and increased use of the weapon as a deterrent has been noted. The Commission is encouraged by the progress made by the RCMP.

Chair-Initiated Complaint and Public Interest Investigation into In-Custody Deaths Proximal to Conducted Energy Weapon Use

Ongoing concerns about the use of the CEW prompted a Chair-initiated complaint and public interest investigation in January 2009. Specifically, the investigation examined relevant incidents which occurred between 2001 and 2009 to identify potential trends.

The report found that those who succumbed to an in-custody death proximal to CEW use often shared several similarities, such as being male, highly agitated, under the influence of a drug, and having pre-existing medical conditions. The report also concluded that typically, the RCMP members involved followed the relevant policy respecting use of force.

2 The conducted energy weapon (CEW) is more commonly known by its commercial brand name, TASER®.

While challenges remain, the Commission has seen an increase in the number of enquiries referred to its complaint office since 2010.

The CPC completed its investigation and provided its report to the RCMP in August 2010. It presented several recommendations for change, including:

- additional training on dealing with those with mental illness;
- enhanced guidelines for consistent documentation; and
- increased reporting.

The Commission received the RCMP Commissioner's response in January 2012. He substantially agreed with the Commission's findings.

The RCMP Commissioner also agreed with all but one of the Commission's recommendations, a national tracking database which would have given the RCMP alone the responsibility of maintaining in-custody death statistics across the country. The Commission considered that the RCMP's current practice reasonably reflects the objective of that recommendation.

[NOTE: The Commission is aiming to publish its final report in summer 2012.]

RCMP Use of the Conducted Energy Weapon, 2010

In terms of the genesis and evolution of the Commission's work on CEWs, the Commission launched its detailed assessment of the RCMP's use of the CEW in 2007 when the Honourable Stockwell Day, then federal Minister of Public Safety, asked the Commission to undertake a "review of the RCMP's protocols on the use of the CEDs[3] and their implementation, including compliance with such protocols." This resulted in the Commission issuing the *RCMP Use of the Conducted Energy Weapon (CEW) – Final Report* in June 2008.

3 Conducted energy devices

Following these reports, the Commission began to systematically analyze the RCMP's use of the CEW on a yearly basis. The first of these reports, released in March 2009, looked at the RCMP's CEW usage for calendar year 2008. And, in June 2010, the Commission published its analysis of the RCMP's use of the CEW for calendar year 2009.

The RCMP provided the Commission with 2010 CEW data from its new Subject Behaviour / Officer Response (SB/OR) Reporting System in June 2011. Consistent with several recommendations previously made by the Commission, the RCMP had implemented this comprehensive on-line use of force reporting system across Canada on January 1, 2010. This database, which consists of information entered by the member responsible for any use of force as soon as possible after the incident, captures data pertaining to use of force by an RCMP officer, including threatened use, un-holstering or the deployment of a CEW.

Among some of the key findings, CEW use (i.e. threatened or actual deployment of the device) by RCMP officers dropped 14% in 2010 and continued a downward trend observed since 2008. In addition, the percentage of reports resulting in the actual deployment (as opposed to the threatened use) of CEWs dropped significantly from 2009; the 2010 figure reflects an ongoing trend whereby CEWs have increasingly been used as a means of deterrence, without the device having to be deployed.

Specific plans regarding the Commission's future research and analytical work related to the RCMP's use of force, and the CEW in particular, have yet to be determined. At a minimum, the Commission will continue to closely monitor the RCMP's use of the device.

[NOTE: The full text of the Commission's latest report, examining the RCMP's use of the CEW from January 1, 2010, to December 31, 2010, is scheduled for release in summer 2012.]

WORKPLACE HARASSMENT

In November 2011, the Commission launched a Chair-initiated complaint and public interest investigation in response to widespread reports concerning RCMP members who alleged that they had been harassed in their workplaces.

The complaint and the investigation focuses on:

- whether RCMP members notified of allegations of harassment and conducting investigations into those allegations followed all proper legislation, policies and procedures; and
- whether existing policies, procedures and guidelines are adequate to ensure that such allegations are dealt with fairly, effectively and thoroughly.

The Commission issued a call for submissions from any interested party in February 2012. The Commission is currently reviewing all relevant documentation and conducting interviews.

> "I am satisfied that, given recent events, there are reasonable grounds for me to conduct a review of RCMP procedures pertaining to workplace harassment."
>
> - Ian McPhail, Q.C.
> November 2011

NOTABLE COMPLAINTS

COMPLETED CHAIR-INITIATED COMPLAINTS & PUBLIC INTEREST INVESTIGATIONS

Raymond Silverfox

In December 2008, Raymond Silverfox went into medical distress in Whitehorse, Yukon, RCMP cells and later died in hospital. The Chair initiated a complaint focused on RCMP policies regarding access to medical treatment for persons detained in RCMP custody, particularly when alcohol consumption is a factor.

The CPC completed its review and provided its report to the RCMP in September 2010. The report made 39 findings and 17 recommendations. In particular, it found that certain RCMP members and guards on duty:

- failed to comply with policy requiring that intoxicated prisoners be asked to provide a breath sample prior to incarceration;
- failed to ensure that Mr. Silverfox's cell was safe and habitable;
- performed an insufficient number of physical checks in respect of Mr. Silverfox; and
- did not properly communicate information amongst themselves.

The Commission recommended that all members of the Whitehorse RCMP Detachment, as well as guards and matrons employed by the Detachment, be provided with training or further guidance:

- on creating a respectful environment and interacting in a manner consistent with the RCMP's core values;
- regarding signs and symptoms of impairment, and medical conditions that may arise therefrom;
- related to the importance of and the need for meaningful, thorough and consistent communication with respect to persons in custody at the Whitehorse RCMP Detachment; and
- by local medical professionals addressing the recognition of medical issues arising from alcohol or drug consumption.

All of the Commission's findings and recommendations were accepted by the RCMP Commissioner in his May 2011 response. The Commission's final report was released in June 2011.

> "[T]he RCMP's response to the Commission's report reflects its commitment to positive changes in Yukon policing and should represent a model for other jurisdictions."
>
> - Ian McPhail, Q.C.
> June 2011

In response to one of its recommendations, the Commission recently received the first of three yearly reports from the RCMP's "M" Division regarding member and guard responses to incidents involving acutely intoxicated individuals. The Commission was pleased to note the degree to which such responses are documented and tracked, as was demonstrated by the comprehensive record provided by the RCMP.

Robert Knipstrom

In November 2007, the Chair initiated a complaint into the in-custody death of Robert Knipstrom in Chilliwack, British Columbia.

During his arrest, Mr. Knipstrom was subjected to punches, members' attempts to take him to the ground, pepper spray, a CEW and a baton. He subsequently died in hospital as a result of the effects of cardiac arrest and acute ecstasy intoxication.

In January 2009, in order to expedite the investigation, the Chair expanded his initial complaint to include a public interest investigation led by a civilian investigator.

The CPC completed its investigation and provided its report to the RCMP in November 2009.

The CPC made 28 findings and 4 recommendations in its report, concluding that the RCMP members involved in the case acted reasonably. Specifically, the Commission found that the use and subsequent deployment of the CEW on Mr. Knipstrom was reasonable in the circumstances, and that the members appropriately sought and obtained medical treatment for Mr. Knipstrom.

The CPC did, however, identify several issues with the RCMP's investigation of the incident that had the potential of creating a perception of bias, and made recommendations aimed at preventing such situations in the future.

Following a nearly 21-month delay, the RCMP Commissioner provided his response to the Commission in August 2011. He accepted all but two of the CPC's findings and agreed, wholly or in part, with all but one of the CPC's recommendations. Those areas of disagreement have since been addressed with the implementation of the RCMP's *Responsibility to Report Policy* and the *External Investigation or Review Policy*.

Clay Willey

In July 2003, Clay Willey was arrested by members of the Prince George RCMP Detachment in British Columbia. Mr. Willey was aggressive with the members, and a significant amount of force was used to subdue him both during his arrest and following his arrival at the Detachment, including the use of CEWs. It was determined that Mr. Willey should be transported to the hospital; he went into cardiac arrest in the ambulance and died the following morning. The cause of death was determined to be a cocaine overdose.

The Chair initiated a complaint in November 2009 in recognition of concerns expressed about the level of force used in the incident. In its report, provided to the RCMP in November 2010, the Commission found that while the use of force used to arrest Mr. Willey was reasonable given the circumstances, members failed to treat Mr. Willey with respect or decency during his transportation from the police vehicle to cells. The Commission also made several recommendations, most of which had been addressed through policy changes since Mr. Willey's death.

The RCMP Commissioner responded to the Commission's report in January 2012, agreeing with all of the Commission's findings and recommendations. The Commission's final report was released the same month.

ONGOING INVESTIGATIONS

Christopher Klim

In late December 2007, RCMP members in Vernon, British Columbia, attended Christopher Klim's residence in order to apprehend him pursuant to a mental health warrant. Believing that Mr. Klim was in the process of fatally harming himself, the members breached the door to Mr. Klim's apartment and entered with their guns drawn. Mr. Klim engaged the RCMP members with two knives in his hands. A CEW was applied to Mr. Klim, but one of its probes did not make contact. Mr. Klim advanced towards the RCMP members and was shot. He died as a result of his wounds.

That same month, the Chair initiated a complaint into the shooting death of Mr. Klim. The complaint was launched in light of concerns regarding persons being apprehended under mental health legislation.

The Commission completed its review and provided its interim report to the RCMP in September 2011.

[Note: At the time of publication, the Commission was still awaiting the Commissioner's response to its report.]

Cheryl Anne Bouey

The June 2008 in-custody death of Cheryl Anne Bouey in Prince George, British Columbia, prompted a Chair-initiated complaint. After inflicting harm on herself, Ms. Bouey was found unresponsive in her cell. The Chair asked whether RCMP policies regarding the proper care and safety of persons detained in cells are adequate.

The Commission completed its review and provided its interim report to the RCMP in May 2011.

[Note: At the time of publication, the Commission was still awaiting the Commissioner's response to its report.]

Incident in Kamloops RCMP Detachment Cells

In response to a complaint made by the Elizabeth Fry Society of Greater Vancouver, the Commission initiated a public interest investigation in September 2010 into an incident which occurred at the Kamloops RCMP Detachment in British Columbia. The complaint related to the conduct of those RCMP members involved in the monitoring of two unidentified women engaging in explicit sexual activity while detained in detachment cells on August 18, 2010.

The investigation examines whether the RCMP members or other persons appointed or employed under the authority of the *Royal Canadian Mounted Police Act* (RCMP Act) involved in the incident complied with all relevant laws and policies, as well as whether such policies are adequate.

The Commission completed its investigation and provided its interim report to the RCMP in March 2012.

Valeri George

The September 2009 shooting death of Valeri George in Fort St. John, British Columbia, prompted a Chair-initiated complaint. Mr. George was shot by RCMP Emergency Response Team (ERT) members as he fled his home several days after allegedly shooting at a vehicle containing his spouse and children. The Chair's complaint is particularly concerned with the use of force by the RCMP ERT members.

The RCMP's investigation into this Chair-initiated complaint is ongoing.

Charlene Danais

In August 2011, Charlene Danais was taken into custody by RCMP members and placed in cells in Assumption, Alberta. She was found unresponsive in her cell early the next morning and pronounced dead after being transported to the hospital.

The Chair initiated a complaint shortly thereafter, asking whether the involved members complied with policies relating to persons held in RCMP custody, and examining the adequacy of those policies.

The RCMP's investigation into this Chair-initiated complaint is ongoing.

Conducted Energy Weapon Use on 11-year-old

In April 2011, RCMP members responded to an emergency call from a residence in Prince George, British Columbia, where an adult had been stabbed. The 11-year-old suspect in the incident was located on a nearby property. A CEW was used on the boy, believed to be armed with a weapon, when he exited that property; he was then taken into custody and transported to hospital for assessment.

The Chair initiated a complaint in order to examine the circumstances of the incident, and particularly the use of CEWs in respect of children.

The RCMP's investigation into this Chair-initiated complaint is ongoing.

ADDITIONAL REVIEWS & FURTHER INVESTIGATIONS OF NOTE

This year, the CPC's reviews and further investigations dealt with a variety of issues, including:

- actual or perceived conflicts of interest on the part of public complaint investigators;
- the use of restraint mechanisms for uncooperative detainees;
- use of force;
- disclosure of information to third parties; and
- involvement in civil disputes.

The following are examples of reviews from the past fiscal year.

Use of Force

Use of CEW reasonable in respect of violent and resistant individual

The driver of a truck fled a traffic stop; RCMP members caught up to the vehicle at a residence and arrested the driver for failing to stop for police. The driver ignored the members and a physical altercation ensued, culminating in one of the members deploying his CEW twice in probe mode.

The Commission issued a final report, finding that the use of the CEW was reasonable and necessary to arrest and restrain a violent individual who refused to submit to the members' clear and repeated commands.

Search and Seizure

No consent existed when object of search was not revealed

An RCMP member stopped the complainant's vehicle for failing to signal a turn. The member asked if he could search the interior of the vehicle; the complainant consented and a search was conducted.

RCMP policy requires that consent given in such context be informed. The Commission concluded, based on statements provided by those involved, that the true object of the traffic stop was to search for controlled substances in the vehicle. In failing to articulate that to the complainant, the member did not obtain proper consent. The Commission is awaiting the RCMP Commissioner's response.

Arrest and Detention

Arrest for failing to provide identification deemed unreasonable

The complainant, who appeared to be hitchhiking, was stopped by an RCMP member and asked for identification. When he refused to provide identification, he was arrested for obstructing a police officer. He was not charged.

The Commission concluded that the complainant was not obliged to provide identification absent a reason for the request. No such reason being articulated, the Commission found that the arrest for obstruction was unreasonable in the circumstances. The Commission additionally found that the member did not properly provide the complainant with his rights pursuant to the *Canadian Charter of Rights and Freedoms* (Charter). The Commission is awaiting the RCMP Commissioner's response.

Failure to provide Charter rights for second offence unreasonable

Members of a municipal police service arrested the complainant for uttering threats. The municipal police then notified the RCMP of the arrest, as they noted that the complainant was the subject of an outstanding warrant for a separate offence. RCMP members attended the municipal police premises to interview the complainant. They did not advise him of his rights pursuant to the Charter.

The Commission noted that where there is more than one reason for detention, all reasons must be disclosed to the detainee. Similarly, where a new reason arises, the police have an obligation to so inform the detainee and to offer him or her the right to counsel. The Commission found that the RCMP members failed to provide the complainant with his rights, as required. The Commission is awaiting the RCMP Commissioner's response.

Family Disputes

Supervisor inappropriately reviewed file regarding his own complaint

An RCMP member contacted his own detachment while off-duty to complain that his teenaged daughter may be having a relationship with an adult male. The matter was cursorily investigated and the couple determined to be similarly aged. Nonetheless, the investigator met with the young man and provided him with material concerning the age of consent.

The Commission concluded that the perception existed that the investigation was influenced by the fact that the complainant was a more senior member of the detachment, and that the member was in a conflict of interest, as he reviewed the investigation in question in his capacity as acting supervisor. In doing so, the member was privy to all of the details of the investigation, including private information, that would not have been available to any normal member of the public who had brought forward such a complaint. The Commission is awaiting the RCMP Commissioner's response.

Complaint concerning personal matter was adequately investigated

A complainant alleged that an RCMP member had been having an affair with her husband, resulting in neglect of duty. The complainant had reported the matter to the RCMP and was dissatisfied with the investigation conducted.

The Commission concluded in its final report that the issue was a personal matter, that the investigation conducted was sufficient under the circumstances, and that the member had not neglected her duties.

PUBLIC ACCOUNTABILITY

As part of its mandate, the Commission seeks to examine policies, procedures and guidelines which inform or influence the individual member conduct complained of, and to identify perceived gaps or deficiencies in those instruments.

In examining and making recommendations aimed at correcting systemic problems, the Commission's goal is to identify areas of improvement for the RCMP, while at the same time informing the federal Minister of Public Safety and the public of its concerns. To that end, the Commission follows up with the RCMP on the status of recommendations the Commissioner has indicated will be implemented.

This year, the RCMP responded to a single major outstanding recommendation previously made by the Commission by implementing its policy regarding the removal of property in civil disputes.

The Commission is still waiting for the implementation of other recommendations accepted by the RCMP, one of which has been outstanding for over four years.

[T]he Commission's goal is to identify areas of improvement for the RCMP, while at the same time informing the federal Minister of Public Safety and the public of its concerns.

RECENTLY IMPLEMENTED RECOMMENDATIONS

Removal of Property in Civil Disputes

A number of the Commission's Final Reports in past years have recommended that the RCMP implement policy regarding the involvement of members in civil disputes. Specifically, the Commission called for guidelines surrounding the nature and limitation of such involvement in order to provide clarity to members and to the public alike.

In March 2012, the RCMP implemented a policy specifically in respect of the removal of property in civil disputes.

The new policy clarifies those situations which necessitate the involvement of RCMP members, which should in most cases be limited to keeping the peace. The policy addresses incidents, including domestic property disputes and tenancy issues, and provides guidance for members in acting pursuant to judicial orders.

RECOMMENDATIONS AWAITING IMPLEMENTATION

Commission recommendations resulting in policy commitments from the RCMP Commissioner which remain outstanding include:

Policy Commitment	CPC Report	Commitment Date
A policy on releasing details regarding sensitive investigations	Report into Disclosure by the RCMP of its Investigation Regarding the Taxation of Canadian Corporate Dividends and Income Trusts	February 2008
A policy dealing with requests for exhibits consistent with the *Mutual Legal Assistance in Criminal Matters Act*	Final Report into a Public Complaint	March 2009
Clarification of policy with respect to contacting callers when responding to 9-1-1 calls	Final Report into a Public Complaint	September 2010
A policy with respect to members reviewing their own reports	Final Report into a Public Complaint	September 2010
Amendment of national policy with respect to prisoner logbook documentation and reviews and the clear identification of the roles and responsibilities of supervisors and commanders	Final Report into a Chair-initiated Complaint Regarding the In-Custody Death of Mr. Raymond Silverfox	May 2011
Revision of and improvement to RCMP policy with respect to the provision of medical assistance, in consultation with medical professionals	Final Report into a Chair-initiated Complaint Regarding the In-Custody Death of Mr. Raymond Silverfox	May 2011

> **"An effective review and complaints regime requires that recommendations be implemented in a timely fashion."**
>
> - Ian McPhail, Q.C.

TIMELINESS OF COMMISSIONER'S NOTICES

The timeliness of the RCMP Commissioner's Notices, which are responses to the Commission's Interim Reports that the RCMP is required by statute to provide, has been the subject of comment for the past three years.

Commissioner Bob Paulson publicly stated in February 2012 that he was committed to responding to the Commission in a timely manner, and that procedures had been changed in order to respond to Commission reports more quickly. The Commission views steps such as this one as positive; in the interest of accountability and confidence in the public complaint process, reducing the backlog must be a priority.

The CPC received 24 Commissioner's Notices from the RCMP in the current year, 50% of those being received in the last quarter. The Commission is encouraged by the progress made by Commissioner Paulson. Nonetheless, at the close of the year, 51 Commissioner's Notices remained outstanding. The Commission remains concerned at this increasingly large number; 75% of the outstanding Commissioner's Notices have been outstanding for more than six months. Of those, over half have been outstanding for more than a year.

As the CPC has continued to state, these delays threaten the integrity of the public complaint process. The CPC cannot finalize its reports and provide them to complainants or the subject RCMP members until the Commissioner's Notice is received.

Once again, the CPC strongly encourages the RCMP to assign the necessary resources to ensure the timely delivery of responses to the CPC's Interim Reports.

Outstanding Commissioner's Notices
as of March 31, 2012

Number of Days	Number of Outstanding Notices	Average Number of Days Outstanding
Less than 30 days	0	N/A
From 30 to 60 days	5	59
From 61 to 180 days	8	138
From 181 to 365 days	17	259
Over 365 days	21	509

IMPROVING THE COMPLAINT SYSTEM

TRACKING OF PUBLIC COMPLAINTS

CPC Review of the RCMP's Public Complaint Record, 2010

In accordance with paragraph 45.47*(b)* of the RCMP Act, the Commission established the Review of the RCMP's Public Complaint Record Project (Review of the Record) in 2007 with the primary objective of examining, on an annual basis, all completed complaint dispositions stemming from public complaints against the RCMP.

At the end of each calendar year, the RCMP provides the Commission (typically within six months) with all completed public complaints (known as dispositions) that were received and finalized within the previous calendar year. The Commission then analyzes the data and makes its findings and recommendations public.

Data collected for the 2010 Review of the Record report was based on all completed public complaint dispositions received by the Commission before July 1, 2011 (2,030), with a recorded complaint date between January 1, 2010, and December 31, 2010.

The three most common complaint allegations were "Neglect of Duty" (35%), "Improper Attitude" (20%) and "Improper Use of Force" (10%). These allegations have represented the three most common factors motivating civilians to lodge public complaints against the RCMP since this project began in 2007.

Once received by the RCMP, there are three ways in which a public complaint can be resolved. In 2010, the RCMP issued a Final Report in 51% of all cases, entered into an informal resolution in 34% of cases, and issued a Notice of Direction (termination) in 10% of cases. As of April 2010, the withdrawal of complaints was no longer an option under RCMP policy.[4] This change in policy was a positive step by the RCMP and served to alleviate concerns with withdrawn dispositions, which were identified in previous Review of the Record reports. However, the Commission remains concerned that the RCMP has, in some cases, continued to informally resolve more serious allegations (e.g. "Improper Use of Force").

The Commission will continue to work closely with the RCMP to identify trends and issues in order to improve the quality of, and enhance public confidence in, the public complaints system.

> "The Review of the Record provides national and regional perspectives on how the RCMP responds to public complaints across the country."
>
> - Ian McPhail, Q.C.

4 In 2010, the RCMP accepted a complaint withdrawal in 4% of cases.

TARGETS AND PERFORMANCE FOR 2011-2012

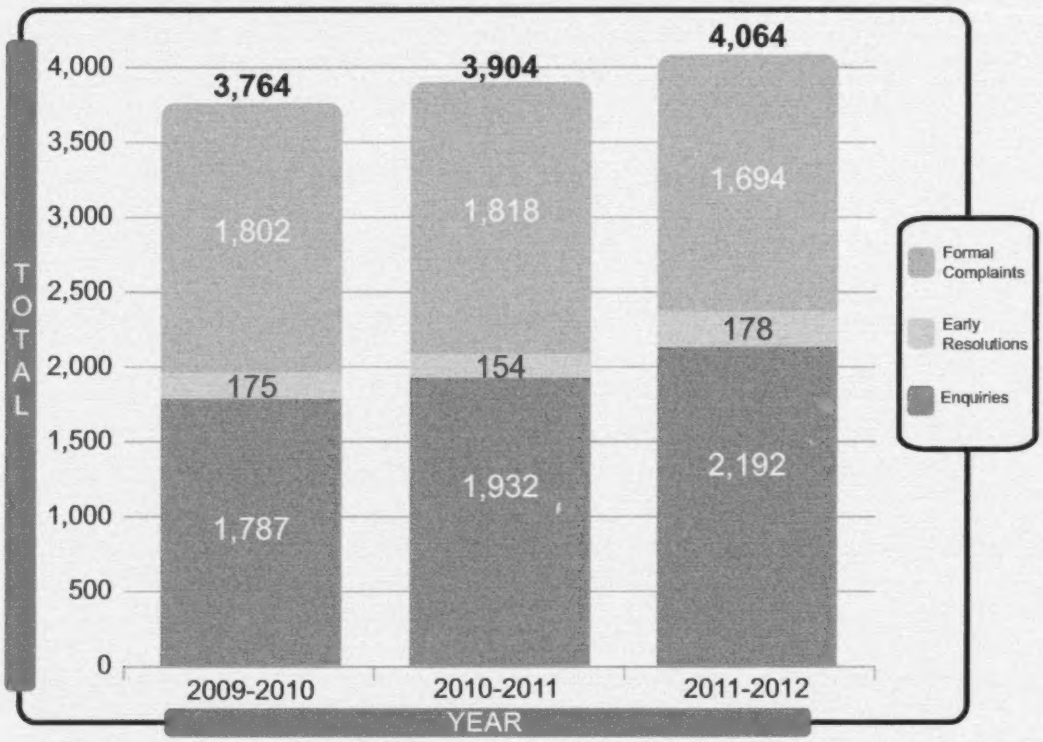
PUBLIC COMPLAINT PROCESS[5]

Much of the Commission's work continues to centre on providing direct service to members of the public concerned about the actions of RCMP members.

The CPC's National (Complaint) Intake Office in Surrey, British Columbia, processed 4,064 general enquiries, early resolutions, and formal complaints against the RCMP this year.

In 2011-2012, the CPC continued to receive approximately 70% of all complaints directly from the public, with the RCMP receiving the rest.

Total Formal Complaints, Early Resolutions and Enquiries



5 A full explanation of the complaints and review process can be found in Appendix 2.

COMPLAINT TRENDS

The type of complaint issues raised in 2011-2012 followed a similar trend to previous years.

The most common public complaint issue relates to RCMP member attitude. This category can include behaviours that are perceived to be:

- dismissive;
- rude;
- non-responsive;
- biased;
- unfair; or
- lacking in empathy.

The second most common complaint issue relates to the quality of RCMP criminal investigations. This issue can arise when the complainant feels that the criminal investigation:

- was not thorough;
- was improperly carried out;
- was not timely;
- lacked witness interviews;
- included mishandled evidence and examinations; and
- contained inaccurate reports.

The third most common complaint issue relates to improper arrest. This category can include arrests involving:

- invalid warrants;
- failure to provide a reason for the arrest;
- inappropriate use of mental health arrest provisions;
- lack of evidence; and
- failure to provide Charter rights, or right to legal counsel.

10 Most Common Complaint Issues	% of Complaint Issues
Attitude other than abusive language	18.9
Criminal investigation quality (RCMP)	14
Improper arrest	9.6
Incidents arising from traffic stops	7.2
Police physical abuse	6.4
Detention	5.8
Incidents involving alcohol/drugs	5.7
Search and seizure	3.2
Property mishandling	2.7
Incidents involving restraints	2.7

REVIEW TRENDS

This year, 259 complainants were not satisfied with the RCMP's handling of their complaint and asked the CPC for a review of the RCMP investigation.

The most common review issues relate to the quality of RCMP criminal investigations, member attitude and arrest.

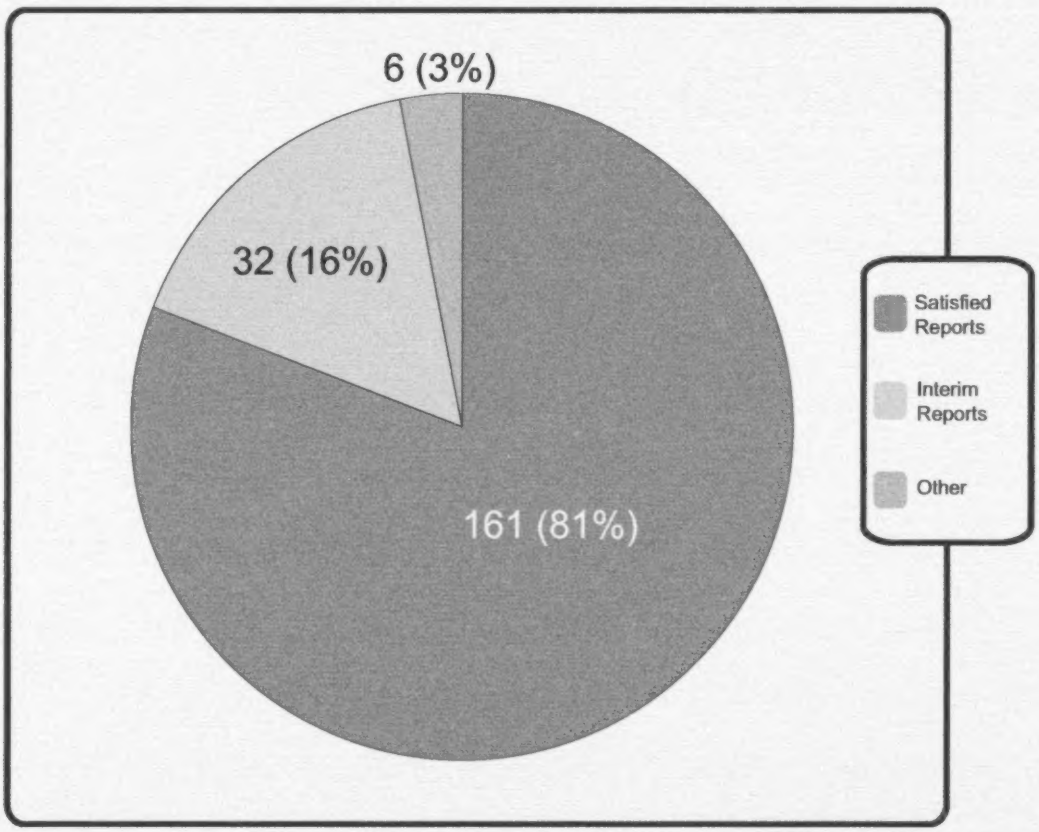
Issues regarding RCMP member use of force and search and seizure were also well-represented in the CPC's review reports.

The Commission issued a total of 199 review reports in the current year. Of these:

- 161 reports, or 81%, were Satisfied Reports, issued in cases where the CPC was satisfied with the RCMP's disposition of the complaint.
- 32 reports, or 16%, were Interim Reports, issued in cases where the CPC was not satisfied with the RCMP's disposition of the complaint and in most cases made recommendations to address any deficiencies.
- The remaining 6 reports, or 3%, included those issued in response to Chair-initiated complaints, and those in which the complainant withdrew his or her request for review.

The RCMP Commissioner accepted approximately 88% of the Commission's adverse findings and 84% of its recommendations.

CPC Decisions: Satisfied vs Interim Reports



SERVICE STANDARDS

When handling a formal complaint against the RCMP, the aim of the CPC is to steer each complaint through the process—from the initial lodging through to its conclusion—in as timely a manner as possible and ideally within one calendar year.

Conducting the full range of complaint investigation and review within the one calendar year target is dependent upon the RCMP's response times.

Action	Number of Days Recommended by the CPC
Complaint received by CPC and forwarded to RCMP	4 days
RCMP investigates and delivers a report to the complainant	180 days
If complainant is dissatisfied with RCMP report, CPC requests all material from RCMP	4 days
CPC commences review process - RCMP forwards material to the CPC (within 30 days) - CPC conducts review and sends interim report to RCMP*	120 days
RCMP responds	30 days
CPC issues final report to complainant and RCMP	30 days

* If, however, the CPC is satisfied with the RCMP's investigation, the review process ends and a final report is provided to the complainant as well as the RCMP at this time.

The CPC continues to enforce its internal performance-based service standards, consistent with its view that to be effective, it is imperative that review be timely. It is in furtherance of this principle that the CPC recommends, as it has in past reports, that the RCMP apply service standards to its response times as outlined in the table above.

These actions are aimed at enhancing the ability of complainants, RCMP members and Canadians to hold the CPC and the RCMP accountable for timely responses to public complaints.

Interim & Satisfied Reports

The CPC remains committed to ensuring that at least 80% of its reports are finalized within 120 days of receiving the request for review. This year, the CPC achieved a performance rate of 96%.

Final Reports

The CPC has a 30-day service standard for completing its Final Reports after receiving a Commissioner's Notice. In the past fiscal year, the Commission delivered 21 Final Reports to the RCMP, 90% of which were within the service standard.

STAKEHOLDER ENGAGEMENT / PUBLIC EDUCATION

Over the past three years, with the benefit of interim funding, the Commission has steadily increased its number of stakeholder engagements throughout the country.

Organizations such as municipality associations, police boards, provincial oversight bodies, Aboriginal groups and organizations, mental health associations, and groups which assist newly arrived immigrants, are all vital to helping increase awareness of an individual's right to make a complaint against the conduct of an RCMP member.

Aboriginal Community

One of the Commission's long-standing goals in terms of stakeholder engagement has been to build and consolidate relationships with target populations, such as Aboriginal and ethno-cultural communities.

Key activities included attending various national conferences, establishing partnership meetings with key national Aboriginal organizations and the creation of Aboriginal-specific print media and promotional material to enhance and encourage access to the complaints process by Aboriginal groups.

Stakeholder Engagement

In addition to making inroads with the Aboriginal community, Commission staff have attended numerous public education events, conferences and annual general meetings held across the country in the past year, including:

- the National Conference on Mental Health;
- the National Association of Friendship Centres Annual General Meeting and Youth Forum;
- the Assembly of First Nations Annual General Assembly; and
- several municipal association conferences from across Canada.

These events have provided the Commission with the opportunity to increase awareness of the complaints process and receive feedback from important stakeholders.

Feedback has been consistently positive in terms of support for an independent complaints process and the perception of fairness to complainants and police officers alike.

Police and Legal Community Engagement

The Commission continues to pursue training opportunities for its staff relating to policing practice. The RCMP has provided the Commission with training and demonstrations relating to its use of force policy and techniques, and has facilitated visits to its Depot Division in order for Commission staff to become familiar with training offered to cadets and to regular members.

These collaborative activities have allowed the Commission to keep abreast of relevant changes in policing policy and practice, while at the same time enabling staff to provide education, information and resources relating to the Commission's mandate and processes.

The Commission also continues to participate in relevant Continuing Legal Education opportunities in order to enhance the knowledge of its legally trained staff, and to deliver presentations relating to its function.

Feedback has been consistently positive in terms of support for an independent complaints process and the perception of fairness to complainants and police officers alike.

In addition, the Commission liaises with members of the legal community in order that they may provide training, and also contribute expertise to the Commission's ongoing projects. By doing so, the Commission fosters greater understanding of its role among those who may be called upon to provide advice with respect to issues in which the Commission is engaged.

WORKING WITH PROVINCIAL PARTNERS

The CPC continues to work with its provincial partners to harmonize police oversight processes to the extent possible under existing law. This includes:

- creating a "no wrong door" approach to the intake of complaints about the police; and
- ensuring that Canadians receive the benefit of the expertise and experience of all police oversight bodies across the country.

Police Complaints Related to the 2010 G8/G20 Summits

The CPC worked with Ontario's Office of the Independent Police Review Director (OIPRD) for several months prior to the 2010 G8/G20 summits. This ensured that the respective provincial and federal police complaints mechanisms worked seamlessly and that the public had a "no wrong door" means of making complaints.

Given the integrated nature of the summit security operation, the Commission Chair and the Director of the OIPRD found it necessary to cooperate to the extent possible on their respective reviews to ensure that all police services involved in the security operations were held accountable.

Commission and OIPRD officials liaised regularly regarding the progress of their respective reviews, in particular, the disclosure of RCMP documents. Both the Commission and the OIPRD received and reviewed significant volumes of RCMP documents in a coordinated fashion.

Canadian Association of Civilian Oversight of Law Enforcement

The Commission continued working with Canadian Association of Civilian Oversight of Law Enforcement's (CACOLE) executive team to maintain and update its website in order to ensure easy access to information about CACOLE, its mandate and its annual conference. The website can be found at www.cacole.ca.

Federal & Provincial Oversight Partners Annual Meeting

In October, the Commission held its annual forum for heads of police review organizations across Canada. The group meets to share best practices, identify emerging issues and enhance working relationships.

The fall 2011 session covered such issues as:

- the Aboriginal community's perspective on police oversight;
- police strip searches;
- policing major events in Canada;
- social media and its effects on police oversight; and
- mental health issues in the correctional system.

CHALLENGES AND OPPORTUNITIES

The RCMP continues to face regular public criticism over member conduct and the manner in which the institution responds to such behaviours. There is a growing demand for police accountability and increasing reports of an erosion of public trust in the ability of the organization to meet public expectations.

The Commissioner of the RCMP has indicated that the organization is on the brink of losing the public trust it needs in order to do its job effectively. However, he has also signaled that this crisis of public confidence can be addressed, in part, through effective independent review of the issues that challenge the RCMP's credibility. This was evident through enhanced RCMP collaboration with the Commission during the G8/G20 Summits review and in respect of the ongoing CPC-led systemic review of workplace harassment complaints within the RCMP.

On June 20 2012, the Government of Canada tabled Bill C-42 which is intended to strengthen the RCMP review and complaints process and support a re-invigoration of police accountability, through more effective independent civilian review of the conduct of the RCMP and its members.

Bill C-42 presents an opportunity to pursue long-standing systemic issues as well as shine a light on new concerns emerging from the realities of policing in the 21st century. The RCMP is vital to the safety and well-being of Canadians. Canadians want it to succeed. These reforms will support the RCMP's efforts in maintaining the confidence of Canadians and delivering the police services Canadians expect and rightly deserve. The Commission will continue to play its part in ensuring that the RCMP remains an accountable and trustworthy institution that Canadians believe it can and must be, while simultaneously ensuring a smooth transition into a new complaints and review mechanism.

There is a growing demand for police accountability and increasing reports of an erosion of public trust in the ability of the organization to meet public expectations.

APPENDIX 1: FINANCIAL REPORT

Commission for Public Complaints Against the RCMP
Budget and Expenditures

2011-2012 Actual Spending	
Salaries	5,604
Operating Expenditures	2,277
Total	7,881

2012-2013 Planned Spending	
Salaries	5,314
Operating Expenditures	2,745
Total	8,059

Notes:

1. Numbers represented are in thousands.
2. In 2011-2012, the CPC received additional funding from Treasury Board Management Reserve to support its work ($1,465K salaries and $1,195K operating expenditures).
3. In 2012-2013, planned spending includes the renewal of such interim funding (as received in 2011-2012).

APPENDIX 2: THE COMPLAINTS & REVIEW PROCESS

ENQUIRIES, EARLY RESOLUTIONS AND FORMAL COMPLAINTS

The Commission remains focused on offering the public a range of options for the handling of complaints or concerns. To this end, when a member of the public contacts the Commission, they are provided with access to an experienced analyst who then assesses the needs of that person and identifies possible options for a way to address their concerns.

Enquiries

Enquiries may include requests for information about police authority, obtaining assistance in furthering an investigation or gaining an understanding of the role of Crown counsel. This alternative measure appreciably decreases the demands placed on the complaint system.

Early Resolution

Commission analysts serve as objective intermediaries to assist with conflict resolution between the public and the RCMP, when appropriate.

It should be noted that complaints involving statutory offence allegations or those alleging excessive use of force or other serious matters are not considered to be appropriate for early resolution.

Formal Complaints

When a complaint is filed with the CPC, an analyst works with the complainant to define the nature of the allegations and formalize the complaint. The complaint is then sent to the RCMP for investigation.

If the complainant is dissatisfied with the outcome of the RCMP's investigation, he or she can request that the CPC conduct a review.

REQUESTS FOR REVIEW

If complainants are not satisfied with the RCMP's response to their complaint, they have the right to request that the CPC independently review the propriety of the members' conduct and the RCMP's handling of the matter.

Upon receiving a request for review, the CPC:

1. requests all relevant information regarding the complaint; and
2. analyzes and examines the information provided by both the complainant and the RCMP.

If the Commission is satisfied with the actions of the RCMP and the manner in which it addressed the complaint, it will issue a "Satisfied Report."

Interim Reports, Commissioner's Notices and Final Reports

On the other hand, if the Commission is not satisfied with the actions of the RCMP and the manner in which it addressed the complaint, it will issue an "Interim Report" outlining its findings and recommendations aimed at improving RCMP conduct, policies and procedures to the Commissioner of the RCMP and the Minister of Public Safety.

The Commission may make recommendations that address individual member conduct or broader policy issues.

The RCMP Commissioner prepares a response—the Commissioner's Notice—in which he describes what action the RCMP has taken or will take in light of the findings and recommendations. The CPC then prepares its final report—the Final Report After Commissioner's Notice—which is sent to the complainant and the members involved.

For example, the same allegation of lack of professionalism on the part of an RCMP member could be managed in three ways:

Enquiry

If a motorist is spoken to by an officer at a traffic stop in a manner which the motorist believes is inappropriate and wants to express his concerns without entering into the formal complaint process, or even providing his name, the analyst will listen to the issues described by the individual, record the details and provide them in a written report to the detachment commander.

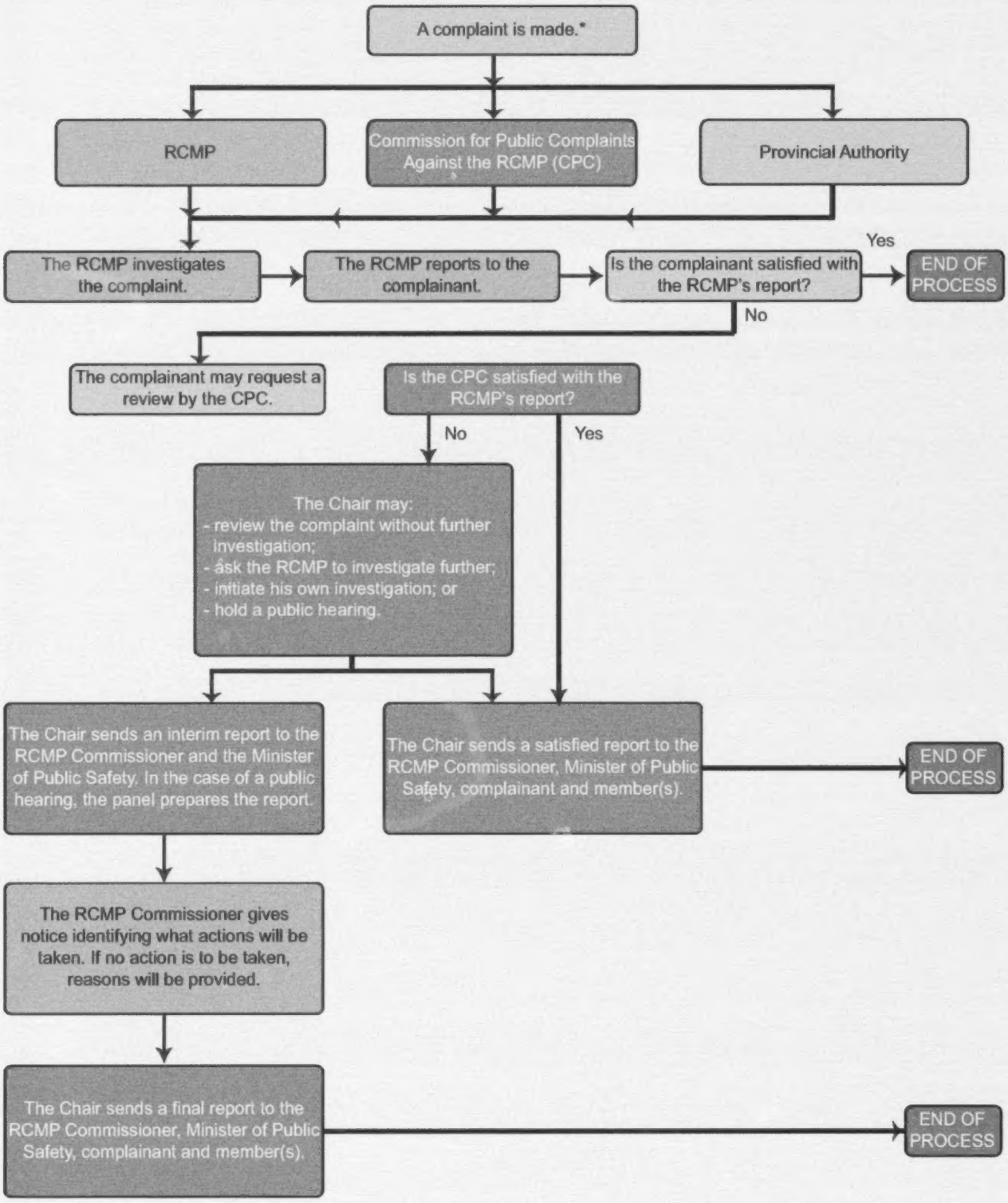
Early Resolution

Another motorist in similar circumstances may not wish to lodge a formal complaint. After clarifying the individual's issues and goals, a CPC analyst can facilitate discussions with the RCMP in an effort to reach a solution that is satisfactory for both the complainant and the RCMP.

Formal Complaint

A different motorist in this situation may wish to lodge a formal complaint and participate in an investigation, receive a written response from the RCMP and have the ability to request that the Commission conduct an independent review.

FORMAL COMPLAINT & REVIEW PROCESS FLOWCHART


A complaint is made.*
RCMP
Commission for Public Complaints Against the RCMP (CPC)
Provincial Authority
The RCMP investigates the complaint.
The RCMP reports to the complainant.
Is the complainant satisfied with the RCMP's report?
Yes
END OF PROCESS
No
The complainant may request a review by the CPC.
Is the CPC satisfied with the RCMP's report?
No
Yes
The Chair may:
- review the complaint without further investigation;
- ask the RCMP to investigate further;
- initiate his own investigation; or
- hold a public hearing.
The Chair sends an interim report to the RCMP Commissioner and the Minister of Public Safety. In the case of a public hearing, the panel prepares the report.
The Chair sends a satisfied report to the RCMP Commissioner, Minister of Public Safety, complainant and member(s).
END OF PROCESS
The RCMP Commissioner gives notice identifying what actions will be taken. If no action is to be taken, reasons will be provided.
The Chair sends a final report to the RCMP Commissioner, Minister of Public Safety, complainant and member(s).
END OF PROCESS

* The Chair can initiate his own complaint. In addition, at any stage of the process, the Chair may institute an investigation or a hearing where he considers it advisable in the public interest.